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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/966,064	09/28/2001	Robert E. Van Cleve	1662-41100 JMH (P01-3617)	4192
22879	7590	01/13/2005	EXAMINER DU, THUAN N	
HEWLETT PACKARD COMPANY P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION FORT COLLINS, CO 80527-2400			ART UNIT 2116	PAPER NUMBER

DATE MAILED: 01/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/966,064

**Applicant(s)**

VAN CLEVE ET AL.

**Examiner**

Thuan N. Du

**Art Unit**

2116

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 6-12 and 16-22 is/are rejected.
- 7) ☐ Claim(s) 2-5 and 13-15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/14/04</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. It is hereby acknowledged that the following papers have been received and placed of record in the file: Amendment (dated 10/12/04) and IDS (dated 10/14/04).
2. Claims 1-22 are presented for examination.
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

#### ***Claim Objections***

4. Claim 2 is objected to because of the following informalities: "ROM1" recited in line 1 should be -- ROM --. Appropriate correction is required.
5. Claims 3-5 are also objected for incorporating the above deficiency by dependency.

#### ***Claim Rejections - 35 USC § 103***

6. Claims 1, 6-12 and 16-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's admission of prior art [AAPA] and Alcorn et al. [Alcorn] (U.S. Patent No. 6,106,396)<sup>1</sup>.
7. Regarding claim 1, AAPA teaches a computer system comprising:  
a CPU;  
a main memory coupled to the CPU;

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<sup>1</sup> U.S. Patent No. 6,106,396 was submitted by applicant on 10/14/2004.

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a read only memory (ROM) coupled to the CPU, where the ROM stored BIOS programs [a typical computer system includes CPU, main memory and BIOS ROM];

a storage device (CD\_ROM, floppy, etc.) for storing operation system drivers, wherein the operating system drivers are read from a storage device during installation of an operating system for the computer [application's specification, page 16-22].

AAPA does not teach that operation system drivers are stored together with BIOS programs in the ROM.

Alcorn teaches that a computer system comprising:

a CPU [microprocessor 12];

a main memory coupled to the CPU [main memory 13];

a read only memory (ROM) coupled to the CPU [system boot ROM 14], where the ROM stored BIOS programs [col. 6, lines 24-26; col. 7, line 26], and further where the ROM stores operation system drivers [col. 6, lines 26-28; col. 7, lines 29-30].

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of AAPA to divide the ROM into two portions for storing BIOS in one portion and operation system drivers in the other as taught by Alcorn [Fig. 2; col. 7, lines 17-20]. The modification would not only increase the flexibility of the system by providing another way for storing operation system drivers but also increase the convenience for the user upon installing the operation system.

8. Regarding claim 6, Alcorn teaches that the ROM further comprising:

a redundant portion [Fig. 2, ROM 29], wherein the redundant portion of the ROM stores the BIOS programs [col. 7, lines 26];

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a non-redundant portion [Fig. 2, ROM 30], wherein the non-redundant portion of the ROM stores the operation system drivers [col. 7, lines 29-30].

Alcorn does not explicitly teach that the ROM contains a second set of BIOS programs.

However, it is well known to those skill in the art that in order to increase the integrity of the system, a backup BIOS is provided. Furthermore, one of ordinary skill in the art would have recognized that it would have been obvious to store the backup BIOS in the same ROM of the primary BIOS for easy retrieval in case the primary BIOS fails.

9. Regarding claim 7, it would have been obvious to one of ordinary skill in the art to recognize that the backup BIOS is substantially identical with the primary BIOS.

10. Regarding claim 8, Alcorn teaches that the ROM could be any type of programmable ROM [col. 7, lines 22-25].

11. Regarding claim 9, Alcorn teaches that the ROM could be any type of programmable ROM [col. 7, lines 22-25].

Alcorn does not explicitly teach that the ROM contains a second set of BIOS programs.

However, it is well known to those skill in the art that in order to increase the integrity of the system, a backup BIOS is provided. Furthermore, one of ordinary skill in the art would have recognized that it would have been obvious to store the backup BIOS in the same ROM of the primary BIOS for easy retrieval in case the primary BIOS fails.

12. Regarding claims 10-12, 16-17 and 21-22, since they recite method of operating of the apparatus defined in the apparatus claims, they are rejected accordingly based on the rejection of the apparatus claims.

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13. Regarding claim 18, all the claimed subject matter is already discussed in respect to claims 1 and 6 above.

14. Regarding claims 19-20, please refer to claims 7 and 8 above.

*Allowable Subject Matter*

15. Claims 2-5 and 13-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Conclusion*

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuan N. Du whose telephone number is (571) 272-3673. The examiner can normally be reached on Monday and Wednesday-Friday: 9:30 AM - 8:00 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H. Browne can be reached on (571) 272-3670.

Central TC telephone number is (571) 272-2100.

The fax number for the organization is (703) 872-9306.

17. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private

PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

A handwritten signature in black ink, appearing to read 'Thuan N. Du', with a stylized, flowing script.

Thuan N. Du

January 4, 2005